

Message Text

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ORIGIN EB-11

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TO AMEMBASSY JAKARTA

INFO AMCONSUL SYDNEY

AMEMBASSY SINGAPORE

AMEMBASSY MANILA

AMEMBASSY CANBERRA

AMEMBASSY KUALA LUMPUR

AMEMBASSY BANGKOK

AMEMBASSY TOKYO

AMCONSUL HONG KONG

AMCONSUL PERTH

AMCONSUL BRISBANE

AMCONSUL MELBOURNE

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SUBJECT: CIVAIR - PROCESSING FLIGHT CLEARANCES

LIMITATIONS ON FLIGHTS BY FOREIGN-REGISTERED AIRCRAFT

REF: (A) JAKARTA A-103; (B) SYDNEY 1369 (NOTAL);

(C) JAKARTA 8510 (NOTAL); (D) JAKARTA 8552 (NOTAL);

(E) JAKARTA A-102

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1. DEPT APPRECIATES THAT PROCESSING OVERFLIGHT/LANDING

CLEARANCES POSES PROBLEMS FOR EMBASSY, BOTH IN WORKLOAD AND IN EXPENDITURE OF GOOD WILL WITH INDONESIAN AUTHORITIES. ALSO IT APPEARS REASONABLE FOR ORGANIZATIONS

AND COMPANIES WHOSE AIRCRAFT FREQUENTLY LAND OR OVERFLY INDONESIA TO HAVE LOCAL AGENTS PREPARE AND FILE CLEARANCE REQUESTS WITH GOI AUTHORITIES CONCERNED, AND SO MAY PREFER TO DO SO (AIRCRAFT OWNERS AND PILOTS ASSOCIATION REPORTS THEY ARE PLEASED WITH INDONESIAN AGENT AIR-INTER IN THIS REGARD). ACCORDINGLY, IFIM WILL BE AMENDED TO INDICATE THAT OPERATORS OF US-REGISTERED AIRCRAFT DESIRING TO LAND OR OVERFLY INDONESIA SHOULD APPLY, AND IF REQUIRED, MAKE ARRANGMENTS FOR FUEL THROUGH LOCAL AGENT. HOWEVER, GIVEN IMPORTANCE OF SUCH CLEARANCES TO US AIR CARRIERS, US BUSINESSMEN TRAVELING BY COMPANY AIRCRAFT, AND FOR EXPORT OF US MANUFACTURED AIRCRAFT, AS WELL AS GENERAL OBLIGATION OF POSTS ABROAD TO ASSIST U.S. COMPANIES AND CITIZENS, DEPARTMENT DOES NOT BELIEVE IT

ADVISABLE FOR EMBASSY TO DIVORCE ITSELF COMPLETELY FROM CLEARANCE PROCESS. THEREFORE, WE INTEND TO INCLUDE IN IFIM STATEMENT THAT EMBASSY PREPARED TO FOLLOW UP REQUESTS FOR OVERFLIGHT/LANDING AND TO INTERVENE IN FUEL ALLOCATION CASES IN DOCUMENTED EMERGENCIES.

2. GOI PRACTICE OF RESTRICTING NON-SCHEDULED COMMERCIAL FLIGHTS BY FOREIGN-FLAG AIRCRAFT TO DESIGNATED AIRPORTS OF ENTRY IS CONSISTENT WITH ARTICLE 5 OF INTERNATIONAL CONVENTION ON CIVIL AVIATION (CHICAGO, 1944) WHEREIN IT WAS AGREED, INTER ALIA, THAT SUCH FLIGHTS HAVE, "THE PRIVILEGE OF TAKING ON OR DISCHARGING PASSENGERS, CARGO, OR MAIL, SUBJECT TO THE RIGHT OF ANY STATE WHERE SUCH EMBARKATION OR DISCHARGE TAKES PLACE TO IMPOSE SUCH REGULATIONS, CONDITIONS OR LIMITATIONS AS IT MAY CONSIDER DESIRABLE."
WE AGREE WITH EMBASSY THAT CHARACTERIZATION BY GOI DIRECTOR OF AIR TRANSPORTATION OF FLIGHTS BEYOND ENTRY POINT AS CABOTAGE IS INACCURATE. FIRST SENTENCE OF ARTICLE 7 OF CHICAGO CONVENTION STATES,

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"EACH CONTRACTING STATE SHALL HAVE THE RIGHT TO REFUSE PERMISSION TO THE AIRCRAFT OF OTHER CONTRACTING STATES TO (BEGIN UNDERLINE) TAKE ON IN ITS TERRITORY (END UNDERLINE) (EMPHASIS ADDED) PASSENGERS, MAIL AND CARGO CARRIED FOR REMUNERATION OR HIRE AND DESTINED FOR ANOTHER POINT WITHIN ITS TERRITORY."

REQUIREMENT THAT AN INTERNATIONAL, COMMERCIAL, NON-

SCHEDULED FLIGHT MAKE STOP AT AIRPORT OF ENTRY FOR CUSTOMS CLEARANCE PRIOR TO PROCEEDING TO ULTIMATE DESTINATION DOES NOT THEREBY MAKE ONWARD CARRIAGE OF CARGO ABOARD AIRCRAFT ON ARRIVAL CABOTAGE. OF COURSE, GOI POLICY OF RESTRICTING SUCH FLIGHTS TO INTERNATIONAL AIRPORTS "CREATES" CABOTAGE SITUATION BY FORCING DISCHARGE OF INTERNATIONAL CARGO SHORT OF ITS ULTIMATE DESTINATION.

3. WE NOTE DIRECTOR RISAKOTTA'S REFERENCE TO RECIPROCITY AS A POSSIBLE BASIS FOR GOI PERMISSION FOR NON-SCHEDULED FLIGHTS TO INDONESIAN DESTINATIONS BEYOND INTERNATIONAL AIRPORTS. WHILE U.S. COULD NOT OFFER

RECIPROCITY WITH REGARD TO CABOTAGE (WHICH PROHIBITED BY U.S.LAW) AS DIRECTOR SUGGESTS, IT MAY BE WORTHWHILE TO POINT OUT THAT U.S. CAB, IN AUTHORIZING INTERNATIONAL FOREIGN-FLAG NON-SCHEDULED COMMERCIAL FLIGHTS, HAS NOT RESTRICTED THEM TO U.S. AIRPORTS OF ENTRY (U.S. CUSTOMS, INS REGULATIONS REQUIRE SUCH FLIGHTS TO TOUCH FIRST AT U.S. AIRPORT OF ENTRY BEFORE PROCEEDING TO FINAL DESTINATION). WHILE EMBASSY MAY WISH AT APPROPRIATE TIME RAISE THIS MATTER AGAIN WITH GOI, WE NOT SANGUINE THEY WILL BE MOVED BY LEGAL DISTINCTIONS ON THIS ISSUE OR ON GOI REFUELING POLICY IN ABSENCE INDONESIAN FLIGHTS TO U.S. WHICH WOULD FURNISH OPPORTUNITY FOR RECIPROCITY.

4. FOR PRESENT, DEPT WOULD FAVOR MERELY NOTING IN INTERNATIONAL FLIGHT INFORMATION MANUAL THAT INTERNATIONAL NON-SCHEDULED COMMERCIAL FLIGHTS TO OTHER THAN AIRPORTS OF ENTRY REQUIRE SPECIAL PERMISSION. INSTANCES MAY ARISE (SUCH AS INTERNATIONAL SHIPMENT OF OUT-SIZE CARGO LIMITED OFFICIAL USE

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WHICH INDONESIAN CARRIERS CANNOT HANDLE) WHERE GOI MAY HAVE REASON TO BE MORE FORTHCOMING. ALSO, APPLICATION BY U.S. CARRIER TO OPERATE SUCH A FLIGHT WOULD PROVIDE OPPORTUNITY FOR EMBASSY TO PURSUE THIS MATTER FURTHER. KISSINGER

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